

Pg
1 of 2Answer to Defendant's
Opposition

FILED
RECEIVED
MAR 24 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

I, Bradley Hixon case CV-07-6078 (WJH) Hixon v. Cruzan Received a opposition to my Default of Judgment, your Honor according to Attorney Gen. C. Fritz, The Defendant wasn't aware of the summons intill march 3rd 2008 and that he had no type of acknowledgment of the summons.

Fed. R. Civ. P. 4(e)(2) Requires Service of Summons and Complaint by either delivery of the Summons and Complaint to the individual, leaving copies at the individual's dwelling House or the usual place or abode with some person of suitable age and discretion residing there, or by delivering a copy of the Summons and the complaint to an authorized agent. In addition, Fed. R. Civ. P. 4(e)(1) allows Service by following state law, which under California law would include personal delivery to the defendant or an authorized agent, Substitute Service to someone at defendant's residence or place of business, Service by mail with acknowledgment of receipt, and possibly publication. See Cal. Code of Civ. Proc. §§ 415.10, 415.20, 415.30, 415.50.

Your Honor, The defendant had the reasonable and required time set forth by the court to answer the summons, the defendants authorized agent and or place of Business (S.V.S.P) was aware of the defendants having a litigation issue and according to Fed. R. Civ. P. 4(e) 1 & 2 The defendant was aware

pg 2 of 2

But choose to wait intill the last minute to re-
sponded to the claim of summons. The Prison (S.V.SP)
which is the defendants authorized agent & or
place of Business recieved the summons on
Jan, 15 2008.

Your Honor Defendant Cruzen's Place of
Business and authorized agent (S.V.SP) acknow-
ledge receipt of the summons on 1-15-08, there-
fore giving the defendant cruzen (54) days which
is enough time to responded to the summons
of this claim against Him. Defendant Cruzen failed
to responded intill march 3rd 2008 which leaves
Him 6 days left intill His time was up.

Your Honor the defendant had enough time
to answer any and all complaints set forth in His
place, The defendant should not Be awarded (60)
more days and the defendant should Be at Default.

I declare under penalty of perjury that the fore-
going is true and correct. Dated 3.20.08

B. Hixon

Your Honor I am willing to testify on my own behalf see
Hudson v Hardy 412 F.2d. 1091, 1095 (D.C. Cir 1968) if I
need to do so.

Your Honor I wish to Be granted appointment
of counsel Sir

B. Hixon T78115
Salinas Valley State Prison
P.O. Box 1050, D2/116
Soledad, Ca. 93960-1050



**STATE PRISON
GENERATED MAIL**

Office of Clerk, U.S. District Court
Northern Division of California
450 Golden Gate Ave.
San Francisco, Ca. 94102

Confidential

Legal Mail

94102+3661 0004

